

**IN THE UNITED STATES BANKRUPTCY COURT
WESTERN DISTRICT OF MISSOURI**

**In re: GUY E BROWN
JULIE A BROWN**

Case No.: 23-40738-drd-13

Debtors

MOTION TO DENY CONFIRMATION OF PLAN

COMES NOW Richard V. Fink, Chapter 13 Trustee, and requests the court deny confirmation of the proposed plan (document #33), filed on or about August 10, 2023. In support thereof, the trustee states that the issues related to the proposed plan include:

1. 11 U.S.C. Section 1322(d):

The plan as proposed runs 92 months based on currently available information.

2. Insufficient Information in Plan:

a. United Consumers (court claim #6) was scheduled as a non-priority unsecured creditor but has filed a secured claim. The plan does not address treatment of the secured claim.

b. United Consumers (court claim #4) was scheduled as a non-priority unsecured creditor but has filed a secured claim. The plan does not address treatment of the secured claim.

3. Treatment of Secured Creditors:

a. In Part 3.2 of the plan the debtors list creditor Nebraska Furniture Mart and requests that Court determine the value of the secured claim. The “Value of Collateral” and the “Amount of Secured Claim” do not match. It is the trustee’s position that the “Value of Collateral” and the “Amount of Secured Claim” should match unless the claim is over-secured or there is a senior lien. Please clarify the treatment of this creditor.

b. In Part 3.2 of the plan the debtors list creditor United Consumers and request that Court determine the value of the secured claim. The “Value of Collateral” and the “Amount of Secured Claim” do not match. It is the trustee’s position that the “Value of Collateral” and the “Amount of Secured Claim” should match unless the claim is over-secured or there is a senior lien. Please clarify the treatment of this creditor.

WHEREFORE, the Chapter 13 Trustee moves the Court for an Order Denying Confirmation of the proposed plan.

August 11, 2023

Respectfully submitted,

/s/ Richard V. Fink, Trustee

Richard V. Fink, Trustee
2345 Grand Blvd., Ste. 1200
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NOTICE OF MOTION

Any response to the motion must be filed within twenty-one (21) days of the date of this notice (subject to an extension pursuant to Federal Rule of Bankruptcy Procedure 9006) with the Clerk of the United States Bankruptcy Court.

Documents can be filed electronically at <http://ecf.mowb.uscourts.gov>. A copy of such response shall be served electronically by the Court on the Chapter 13 Trustee and all other parties to the case who have registered for electronic filing. Parties not represented by an attorney may mail a response to the Court at the address below. If a response is timely filed, the Court will either rule the matter based on the pleadings, or set the matter for a hearing. If a hearing is to be held, notice of such hearing will be sent to all parties in interest. **If no response is filed within twenty-one (21) days (subject to an extension pursuant to Federal Rule of Bankruptcy Procedure 9006), the Court will enter an Order denying confirmation of the plan.** For information about electronic filing, go to <http://www.mow.uscourts.gov>. If you have any questions about this document, contact your attorney.

Court Address: U.S. Bankruptcy Court, 400 E. 9th St., Room 1510, Kansas City, MO 64106

NOTICE OF SERVICE

The following parties will be served either electronically or by United States First Class Mail. If any party is served by United States First Class Mail a certificate of service will be filed thereafter:

DEBTOR(S)

WAGONER BANKRUPTCY GROUP (206) - ATTORNEY FOR DEBTOR(S)

/s/ Richard V. Fink, Trustee

JLA /Motion - Deny Confirmation